IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

CONTEMPT PETITION NO.222 OF 2005

Smt.Leelabai Madhukar Subhedar)..Petitioner

Versus

Sharad Govind Bhoir and others)..Respondents

Mr.S. Singh i/b.Mr.Bipin Joshi for the Petitioner.

Mr.T.N. Subramaniam i/b.Purnanand & Co. for Respondent Nos.7 and 8.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 2ND SEPTEMBER 2005

P.C.:

. Affidavit of Respondent No.8 tendered by the learned Advocate for Respondent No.8 accepted.

2. This Contempt Petition has been filed alleging breach of the order dated 2nd May 2002 passed by this Court. The order reads as under :-

> ". Mr.Subramaniam the learned counsel appearing on behalf of Respondent Nos.7 and 8 states that in so far as the properties bearing final plot Nos.215 and 218 are concerned, these have been partly sold and development has been carried out. In so far as the property at Ovale is concerned, under a deed of conveyance dated 28th February 1998, followed by a deed of confirmation dated 8th June 1995, an area admeasuring 2 Hectares and 39.4 Acres has been conveyed to Respondent No.8. In so far as the property at Vadavli is concerned, there was a development agreement in relation to an area

admeasuring 592 sq.yards on 8th June 1995 and a registered deed of conveyance in respect of an area admeasuring 2500 sq.yards on 5th September 1989, in favour of Respondent No.7. The learned counsel appearing on behalf of the appellant has fairly stated that the interest of justice would be met if there is an order of injunction in relation to the properties which have not been alienated. Accordingly, there shall be an ad-interim order restraining the alienation of the properties, save and except the properties in respect of which third party rights as aforesaid have been created."

3. Respondent No.8 against whom contempt has been alleged, was Respondent No.8 in Civil Application No.462 of 2002. As seen from the order reproduced above, an ad-interim order restraining alienation of the properties, save and except the properties in respect of which third party rights had been created was passed. Admittedly, Respondent No.8 had already been conveyed the property admeasuring 2 Hectares 39.4 acres. It appears some construction work is being carried out by Respondent No.8. In my view, there is no contempt since the ad-interim order of 2nd May 2002 expressly prohibits alienation of properties which have not already been alienated.

4. In my view, therefore, there is no contempt. Contempt Petition disposed of.